

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ANTHONY ELLISON,

Defendant.


18-CR-834-09 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter from defendant Anthony Ellison asking that his sentencing hearing take place in person, rather than remotely. Mr. Ellison is legally entitled, absent his consent, to an in-person such hearing, and his sentencing hearing accordingly will be conducted in person.

SO ORDERED.

  
\_\_\_\_\_  
PAUL A. ENGELMAYER  
United States District Judge

Dated: September 11, 2020  
New York, New York

18CR0834 (PAE)

Your Honor

I would like to Respectfully Request that Court Postpone my Sentencing date until such time as I may present myself in person, no computer monitor, face to face before the court. This day will currently be the most important day of my life, and I strongly feel that I be Allowed to plead my Case in person.

One of my concerns is that mcc quarantine Policy Places inmates in quarantine for up to 3 months and I would like to Avoid such a drastic violation of my human and legal rights. This is mcc Policy if I go to court. I would not be Allowed to Remain in an open unit so that I can maintain contact with my family and my counsel.

This pandemic has <sup>AE</sup> had many adverse effects on all aspects of life. However, the Bop has a Program Statement in place (Exhibit A. Attach) that clearly outlines the inmates right to have time to do legal research and prepare legal documents. I have Attach a copy of a past Schedule. (Exhibit B. Attach) There was no movement out the unit. With no legal visits in place to this day, it is impossible to complete my sentencing memo and PSR accurately.

There are inconsistencies that I would like to iron out with my attorney as well as do research into my Sentencing guidelines. I do not object to the postponement. Any consideration given Regarding this matter is greatly Appreciated.

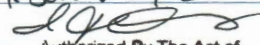
Respectfully Submitted

Anthony J Ellison



Signed before me this 3rd day  
of September 2020.

L. Jenkins, Case Manager

  
Authorized By The Act of  
July 7, 1955 to Administer  
Oaths (18 U.S.C. 6004)

Federal Bureau of Prisons

150 Park Row

New York, NY 10007





U.S. Department of Justice  
Federal Bureau of Prisons

18CR0934-9(PAE)

# Program Statement

OPI: OGC  
NUMBER: 1315.07  
DATE: 11/5/99  
SUBJECT: Legal Activities,  
Inmate

1. **[PURPOSE AND SCOPE §543.10.** The Bureau of Prisons affords an inmate reasonable access to legal materials and counsel, and reasonable opportunity to prepare legal documents. The Warden shall establish an inmate law library, and procedures for access to legal reference materials and to legal counsel, and for preparation of legal documents.]

2. **SUMMARY OF CHANGES.** The changes include allowing the Central Office to contact the institutions by way of BOPNet GroupWise or memorandum, rather than Operations Memorandum, to direct the ordering of law library materials.

The procedures for posting and maintaining Bureau and U.S. Parole Commission Federal Register documents at institutions are revised and streamlined. These documents will be sent via GroupWise to staff responsible for the institution law libraries instead of being issued by Operations Memoranda.

All references to the "Central Office Librarian" have been changed to "Bureau's Librarian" to reflect the Librarian's responsibility for providing services Bureau-wide.

The Standards Referenced have been updated to reflect the revised American Correctional Association standards.

Finally, the required publications in Attachments A, B, and C are updated to reflect a variety of changes including changes in name and title, volume numbers, publishers and publishing companies, etc. Specific changes to publications in Attachments A, B, and C, requirements for the main, satellite camp and basic inmate law libraries, include:

## **[Bracketed Bold - Rules]**

Regular Type - Implementing Information

[d. An inmate's legal materials include but are not limited to the inmate's pleadings and documents (such as a pre-sentence report) that have been filed in court or with another judicial or administrative body, drafts of pleadings to be submitted by the inmate to a court or with other judicial or administrative body which contain the inmate's name and/or case caption prominently displayed on the first page, documents pertaining to an inmate's administrative case, photocopies of legal reference materials, and legal reference materials which are not available in the institution main law library (or basic law library in a satellite camp).]

Staff must consult with Regional Counsel if there is any question whether certain items qualify as legal materials.

[(1) An inmate may solicit or purchase legal materials from outside the institution. The inmate may receive the legal materials in accordance with the provisions on incoming publications or correspondence (see 28 CFR part 540, subparts B and F) or through an authorized attorney visit from a retained attorney. The legal materials are subject to inspection and may be read or copied unless they are received through an authorized attorney visit from a retained attorney or are properly sent as special mail (for example, mail from a court or from an attorney), in which case they may be inspected for contraband or for the purpose of verifying that the mail qualifies as special mail.]

28 CFR part 540, subparts B and F refer to the Program Statements on Correspondence and Incoming Publications respectively.

[(2) Staff may allow an inmate to possess those legal materials which are necessary for the inmate's own legal actions. Staff may also allow an inmate to possess the legal materials of another inmate subject to the limitations of paragraph (f)(2) of this section. The Warden may limit the amount of legal materials an inmate may accumulate for security or housekeeping reasons.]

To ensure that legal materials do not become a security or housekeeping hazard (e.g., fire, sanitation), each institution may establish a limit on the amount of, and storage location for legal materials in the inmate's living area.



Legal material which co-defendants or co-plaintiffs receive through special mail or from an attorney through an attorney visit is subject to inspection for contraband or qualification as special mail only, and may not be read or copied.

[(2) Except as provided for in paragraph f.(4) of this section, an inmate may possess another inmate's legal materials while assisting the other inmate in the institution's main law library and in another location if the Warden so designates.

(a) The assisting inmate may not remove another inmate's legal materials, including copies of the legal materials, from the law library or other designated location. An assisting inmate is permitted to make handwritten notes and to remove those notes from the library or other designated location if the notes do not contain a case caption or document title or the name(s) of any inmate(s). The assisting inmate may also develop and possess handwritten drafts of pleadings, so long as the draft pleadings do not contain a case caption or document title or the name(s) of any inmate(s). These notes and drafts are not considered to be the assisting inmate's legal property, and when the assisting inmate has these documents outside the law library or other designated location, they are subject to the property limitations in § 553.11(a) of this chapter.]

§553.11(a) refers to the Program Statement on Inmate Personal Property.

[(b) Although the inmate being assisted need not remain present in the law library or other designated location while the assistance is being rendered, that inmate is responsible for providing and retrieving his or her legal materials from the library or other designated location. Ordinarily, the inmate must provide and retrieve his or her legal materials during his or her leisure time. An inmate with an imminent court deadline may request a brief absence from a scheduled program or work assignment in order to provide or retrieve legal materials from an assisting inmate.]

The law library is the most appropriate location for allowing inmates to assist one another with legal matters however, the Warden may choose to designate additional locations.

Where it is difficult to use the institution's main law library (for example, at a medical facility, a metropolitan detention center, a metropolitan correctional center, an administration maximum security facility, an administrative high security level institution, or in a special housing unit,

hold the BP-CMS-21/24 form and charge the reimbursement against the inmate's account as soon as the inmate has funds (see the Trust Fund/Warehouse/Laundry Manual.)

[h. Unless clearly impractical, the Warden shall allow an inmate preparing legal documents to use a typewriter, or if the inmate cannot type, to have another inmate type his documents. The Warden may allow the inmate to hire a public stenographer to type documents outside the institution, but the institution may not assume the expense of hiring the public stenographer. Staff shall advise the inmate of any delay in the typing of which they have received notice from the stenographer.

i. The Warden shall give special time allowance for research and preparation of documents to an inmate who demonstrates a requirement to meet an imminent court deadline. Otherwise, each inmate shall continue his regular institutional activities without undue disruption by legal activities.]

Inmates who request time to do legal research and preparation for filing legal documents during their regularly scheduled work time may be required to do so first during all available leisure time. When such requests are made, staff may also authorize the inmate to work reduced hours. For example, an inmate may be allowed mornings to do legal research, work in the afternoons, and then use evenings for further research. The Regional Counsel may be consulted regarding such arrangements.

[j. With consideration of the needs of other inmates and the availability of staff and other resources, the Warden shall provide an inmate confined in disciplinary segregation or administrative detention a means of access to legal materials, along with an opportunity to prepare legal documents. The Warden shall allow an inmate in segregation or detention a reasonable amount of personal legal materials. In no case shall the amount of personal legal materials be such as to pose a fire, sanitation, security, or housekeeping hazard.]

A reasonable amount of personal legal material in segregation or detention is approximately one cubic foot. Greater amounts may be allowed when an inmate has an imminent court deadline. The Regional Counsel should be consulted before accumulation of legal materials is limited for housekeeping reasons.



- In an effort to minimize movement and decrease the possibility of spreading the COVID-19 virus, the following guidelines will be followed:

Effective **Wednesday, April 22, 2020**, and during this phase of the modified schedule, inmates will be separated by individual ranges/dorms (1, 2, 3, 4, 5 & 6 on the North Sides, or 7, 8, 9, 10, 11 & 12 on the South Sides), within the housing units. According to the schedule below, inmates will be let out to recreation/leisure, as well as to use the telephones and TRULINCS, one side of the tier at a time (left/right), as indicated in the chart below. Unit 11 South will have a schedule designed specifically for the layout of that unit.

Unit 2 - Weekend & Holiday - Recreation/Leisure Schedule								
Recreation Time	Sunday	Saturday	Recreation Time	Sunday	Saturday	Recreation Time	Sunday	Saturday
06:00 am to 07:00 am - Main Line. Inmates will be fed in their cells.			12:10 pm to 02:00 pm	B-Tier	A-Tier	06:00 pm to 07:10 pm	A-Tier	C-Tier
07:00 am to 09:50 am	A-Tier	C-Tier	02:10 pm to 03:50 pm	C-Tier	B-Tier	07:20 pm to 08:30 pm	B-Tier	A-Tier
10:00 am - Completion: Count time. Inmates will stand up for count.			04:00 pm - Completion: Count time. Inmates will stand up for count.			08:40 pm to 09:50 pm	C-Tier	B-Tier
11:00 am to 12:00 pm - Main Line. Inmates will be fed in their cells.			05:00 pm to 05:50 pm - Main Line. Inmates will be fed in their cells.			10:00 pm - Completion: Count time. Inmates will stand up for count.		



11-South - Weekday Recreation/Leisure Schedule					
Recreation Time	Monday	Tuesday	Wednesday	Thursday	Friday
06:00 am to 07:00 am - Main Line. Inmates will be fed in their cells. Trays will be accounted for and collected 30 minutes after issued.					
07:00 am to 08:55 am	7-Tier	11-Tier	9-Tier	7-Tier	11-Tier
09:05 am to 10:55 am	8-Tier	12-Tier	10-Tier	8-Tier	12-Tier
11:00 am to 12:00 pm - Main Line. Inmates will be fed in their cells. Trays will be accounted for and collected 30 minutes after issued.					
12:05 pm to 01:55 pm	9-Tier	7-Tier	11-Tier	9-Tier	7-Tier
02:05 pm to 03:45 pm	10-Tier	8-Tier	12-Tier	10-Tier	8-Tier
04:00 pm - Completion: Count time. Inmates will stand up for count.					
05:00 pm to 06:00 pm - Main Line. Inmates will be fed in their cells. Trays will be accounted for and collected 30 minutes after issued.					
06:05 am to 07:55 pm	11-Tier	9-Tier	7-Tier	11-Tier	9-Tier
08:05 am to 09:45 pm	12-Tier	10-Tier	8-Tier	12-Tier	10-Tier
10:00 pm - Completion: Count time. Inmates will stand up for count.					
11-South - Weekend & Holiday - Recreation/Leisure Schedule					
Recreation Time	Sunday	Saturday	Recreation Time	Sunday	Saturday
06:00 am to 07:00 am - Main Line. Inmates will be fed in their cells.					
07:00 am to 09:50 am	7-Tier	10-Tier	02:10 pm to 03:50 pm	9-Tier	12-Tier
10:00 am - Completion: Count time. Inmates will stand up for count.			04:00 pm - Completion: Count time. Inmates will stand up for count.		
11:00 am to 12:00 pm - Main Line. Inmates will be fed in their cells.			05:00 pm to 05:50 pm - Main Line. Inmates will be fed in their cells.		
			10:00 pm - Completion: Count time. Inmates will stand up for count.		

//s//

Robert Hazlewood, Warden

April 20, 2020

Date

Anthony J. Ellison  
150 Park Row  
New York, NY 10007  
(86282054)

Rec'd 9/11/20  
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U.S. POSTAGE PAID  
FORM 3850  
NEW YORK, NY  
10007  
SEP 09, 20  
AMOUNT  
**\$0.00**  
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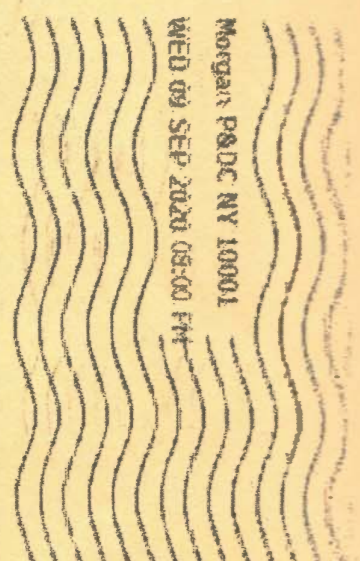


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Hon. Paul A. Engelmayer  
40 Foley Square U.S. Court / SDNY  
New York, NY 10007



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SDNY  
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